

The Gazette



of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, JULY 3, 1948.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

NOTIFICATION

New Delhi, the 3rd July, 1948.

No. PF.16(1)/48.—In exercise of the powers conferred by section 6 of the Coal Mines Provident Fund and Bonus Schemes Ordinance, 1948 (VII of 1948), the Central Government is pleased to frame the following Coal Mines Bonus Scheme, namely:—

1. Short title and application.—(i) This Scheme may be called the Coal Mines Bonus Scheme.

(ii) It shall apply to all coal mines in West Bengal, Bihar, the Central Provinces and Berar and Orissa.

(iii) The provisions of this Scheme shall be deemed to have come into force on the twelfth of May 1947 in respect of the coal mines in West Bengal and Bihar and on the tenth of October 1947 in respect of the coal mines in the Central Provinces and Berar and Orissa.

Definitions.—In this Scheme unless there is anything repugnant in the subject or context—

(a) “category I employee” means an underground miner or any other underground piece worker;

(b) “category II employee” means an employee in a coal mine other than a category I employee;

(c) “Chief Inspector of Mines” has the meaning assigned to it in sub-section (1) of Section 4 of the Indian Mines Act, 1923 (IV of 1923);

(d) “illegal strike” means a strike which is illegal within the meaning of section 24 of the Industrial Disputes Act, 1947 (XIV of 1947);

(e) “quarter” means a period of three calendar months commencing on the first of January, the first of April, the first of July, and the first of October of each year;

(f) “Ordinance” means the Coal Mines Provident Fund and Bonus Schemes Ordinance, 1948 (VII of 1948);

(g) “Regional Labour Commissioner” means an officer appointed as such by the Central Government; and

(h) “temporary disablement” means a condition resulting from a personal injury to an employee caused by accident or an occupational

disease arising out of and in the course of his employment in a coal mine, which requires medical treatment and renders the employee temporarily incapable of work and which entitles such employee to compensation under the Workmen's Compensation Act, 1923 (VIII of 1923).

3. Class of employees eligible to qualify for bonus.—Except as hereinabove provided, every employee in a coal mine to which this Scheme applies shall be eligible to qualify for a bonus.

Exceptions.—An employee in a coal mine shall not be entitled to a bonus under the Scheme for the period during which—

- (a) his basic earnings exceed three hundred rupees per month; or
- (b) he is employed as a mali, sweeper or domestic servant on domestic and personal work; or
- (c) he is employed in a State Railway Coal mine on pay and under conditions of service, which for the time being, are similar to those obtaining in other Railway establishments; or
- (d) he is employed as a labourer of a contractor for building, brick making or tile making.

4. Qualification for bonus in coal mines in West Bengal and Bihar.—An employee in a coal mine in West Bengal or Bihar shall qualify for a bonus from his employer—

- (a) in respect of the period from the twelfth of May 1947 to the thirty first of December 1947, provided he has put in attendance in the coal mine during that period for not less than 121 days if a category I employee, or for not less than 169 days if a category II employee;
- (b) in respect of the quarter commencing on the first of January 1948 or any subsequent quarter, provided he puts in attendance in the coal mine during that quarter for not less than 54 days if a category I employee, or for not less than 66 days if a category II employee.

5. Qualification for bonus in coal mines in the Central Provinces and Berar and Orissa.—An employee in a coal mine in the Central Provinces and Berar or Orissa shall qualify for a bonus from his employer—

- (a) in respect of the period from the tenth of October 1947 to the ninth of January 1948, provided he has put in attendance in the coal mine during that period for not less than 60 days if a category I employee, or for not less than 65 days if a category II employee;
- (b) in respect of the period from the tenth of January 1948 to the thirty first of March 1948, provided he has put in attendance in the coal mine during that period for not less than 54 days if a category I employee, or for not less than 59 days if a category II employee;
- (c) in respect of the quarter commencing on the first of April 1948, or any subsequent quarter, provided he puts in attendance in a coal mine during that quarter for not less than 60 days if a category I employee, or for not less than 65 days if a category II employee.

6. Allowance for leave etc.—(1) For the purposes of paragraphs 4 and 5 of this Scheme, leave (including sick leave) granted by the employer to an aggregate of 21 days in a calendar year and days of idleness caused by any temporary breakdown of machinery or any other technical reason shall count as days of attendance.

(2) If on any working day in any period or quarter, as the case may be, an employee is on maternity leave or is unable to attend work owing to temporary disablement, the number of days for which he must put in attendance to qualify for bonus under paragraphs 4 and 5 shall be reduced by 70 per cent. of such working days if a category I employee, or by 85 per cent of such working days if a category II employee.

Explanation:--In calculating the 70 per cent or 85 per cent of such working days, a fraction less than half shall be disregarded and not less than half shall count as one.

(8) If in any period or quarter any day, other than the weekly holiday, is observed as a closed holiday in any coal mine, the number of days for which the employees must put in attendance in such period or quarter to qualify for bonus under paragraphs 4 and 5 shall be reduced, in respect of such coal mine, by one if there be not more than two such closed holidays, by two if there be more than two but not more than four such closed holidays and by three if there be more than four such closed holidays: Provided that the number of days so reduced in a year shall not exceed three. In the event of a dispute as to whether a day is a closed holiday or not, the decision of the Chief Inspector of Mines shall be final.

7. Amount of bonus.--(1) The amount of bonus payable to an employee in a coal mine in West Bengal or Bihar in respect of the period from the twelfth of May 1947 to the thirty first of December 1947, the quarter commencing on the first of January 1948 and the quarter commencing on the first of April 1948, shall be calculated in the manner specified in the Schedule annexed hereto.

(2) The amount of bonus payable to an employee in respect of any quarter after the thirtieth of June 1948 in the case of coal mines in West Bengal and Bihar and in respect of any period or quarter in the case of coal mines in the Central Provinces and Berar and Orissa shall be one-third of the basic earnings of the employee for work done in that period or quarter in the coal mine wherein he qualifies for bonus.

(8) Unless an employee entitled to a bonus is a member of a provident fund, recognised under the Indian Income Tax Act, 1922 (XI of 1922), or to which the Provident Funds Act, 1925 (XIX of 1925) applies, the employer shall, before paying him the amount of bonus, deduct a sum equivalent to three annas in a rupee of the amount of bonus in respect of the periods or quarters from the twelfth of May 1947 to the thirtieth of September 1948 in the case of coal mines in West Bengal and Bihar and from the tenth of January 1948 to the thirtieth of September 1948 in the case of coal mines in Central Provinces and Berar and Orissa, for credit to the account of the employee in the Coal Mines Provident Fund.

8. Effect of participation in illegal strike.--(1) If an illegal strike takes place in a coal mine in any period or quarter, no bonus shall be payable in respect of the period or quarter, as the case may be, to all those who participate in such illegal strike:

Provided that in the case of any coal mine in West Bengal or Bihar, the Central Government may, if, in view of any special circumstances it considers it to be so expedient, direct that for participation in an illegal strike or strikes in each of the periods from the twelfth of May 1947 to the eleventh of August 1947, from the twelfth of August 1947 to the eleventh of November 1947 and from the twelfth of November 1947 to the thirty first of December 1947 an employee shall be disqualified for one-third of the amount of bonus to which he would, but for such participation, be entitled.

(2) If any dispute arises whether a strike is legal or illegal for the purposes of this Scheme, the employer or an employee may make an application to the Regional Labour Commissioner having jurisdiction in the area in which the coal mine is situated for decision whether the strike is legal or illegal.

(3) The Regional Labour Commissioner shall, on payment of such fee as may be specified by him, give a copy of the decision to the employer or an employee asking for the same.

(4) An appeal from the decision of the Regional Labour Commissioner shall lie to the Industrial Tribunal at Dhanbad whose decision shall be final.

(5) The period of limitation for appeal under this paragraph shall be thirty days from the date of the order appealed from.

(6) The provisions of sections 5 and 12 of the Indian Limitation Act, 1908 (XL of 1908), shall apply to appeals under this paragraph.

(7) The Regional Labour Commissioner or the Tribunal shall decide the dispute after giving reasonable notice to the parties interested in the dispute and after affording them an opportunity of being heard.

9. When bonus payable.—(1) The bonus in respect of a period or quarter up to the thirtieth of June 1948 shall be paid to an employee entitled to it at such time and in such manner as the Central Government may, by order, direct.

(2) The bonus in respect of the quarter commencing on the first of July 1948 or any subsequent quarter shall be paid to an employee entitled to it within a period of two months from the last date of the quarter.

(3) Any bonus paid to an employee before the date on which this Scheme is notified, in respect of a period or quarter for which bonus is payable as herein provided shall be deemed to have been paid under this Scheme.

(4) A bonus due before the date of notification of this Scheme shall, if not paid earlier, be paid within six weeks from the date of such notification.

10. Returns.—Within a period of one month from the last date by which any bonus is required to be paid under the provisions of paragraph 9, the employer shall submit returns in Forms I and II to the Regional Labour Commissioner having jurisdiction in the area in which the coal mine is situated.

11. Registers.—(1) Every employer shall from the first of October 1948 maintain a register of persons employed underground in his coal mine in Form III and the register shall show at any moment the name of every person then working underground.

(2) All entries in this register shall be made at the entrance or entrances to the coal mine when the persons against whose name entries are made enter or leave the coal mine.

(3) Every employer shall from the first of October 1948 maintain a register of persons employed in open workings and on the surface in Forms IV and V respectively. The register shall be kept at the office of the coal mine or at some other building at a convenient place not far from the coal mine.

(4) The registers required to be maintained by sub-paragraphs (1) and (3) shall be preserved for twelve months after the date of the last entry made therein.

12. Penalties. (1) Any employer who—

(a) refuses, or without reasonable cause, fails to pay any bonus within the period specified for the payment thereof to a person entitled to it under this Scheme; or

(b) makes any false entry or statement in any return or register required to be sent or maintained under this Scheme with a view to avoiding payment, or reducing the amount, of any bonus payable under this Scheme; or

(c) fails to maintain up to date and in the manner prescribed the registers required under paragraph 11 of this Scheme;

shall be punishable with imprisonment for a term which may extend to six months or with fine not exceeding one thousand rupees or with both.

(2) Any employer who fails to furnish any return required under paragraph 10 of this Scheme shall be punishable with fine not exceeding one thousand rupees.

SCHEDULE

(See paragraph 7)

Amount of Bonus (before deduction for provident fund payable in coal mines in West Bengal and Bihar, for the period from 12th May 1947 to 31st December

1947

Piece-rated employees.

(a) Underground piece workers (including underground piece-rated trammers and surface piece-rated trammers and male wagon loaders) (assumed daily basic wage—12 annas) Rs. 49/14/- each.

(b) Male Surface piece-rated workers (other than surface piece-rated trammers and male wagon loaders) (assumed daily basic wage—8 annas). Rs. 35/4/- each.

(c) Female wagon loaders on piece work (assumed daily basic wage—7½ as.) Rs. 31/3/- each.

(d) Other females and minors on piece work (assumed daily basic wage—5 as.) Rs. 20/12/- each.

Other employees.

For the monthly rated employees the amount stated in Table A against the basic wage payable for the last month of the period and for other employees the amount as stated in table B against the basic wage payable for the first working day of the last month of the period, irrespective of whether or not the employee actually attended work in that month or on that day. For weekly rated employees the basic wage payable for the first working day of the last month of the period shall be taken to be one-sixth of the basic wage payable if the employee had attended work throughout the week containing that day.

For the quarter from 1st January 1948 to 31st March 1948 and from 1st April 1948 to 30th June 1948.

Piece-rated employees.

- (a) Underground piece workers (including underground piece-rated trammers and surface piece-rated trammers and male wagon loaders) (assumed daily basic wage—12 as.).
Rs. 19/- each.
- (b) Male surface piece-rated workers (other than surface piece-rated trammers and male wagon loaders) (assumed daily basic wage—8 as.).
Rs. 18/- each.
- (c) Female wagon loaders on piece work (assumed daily basic wage—7½ as.)
Rs. 12/8/- each.
- (d) Other females and minors on piece work (assumed daily basic wage—5 annas).
Rs. 8/2/- each.

Other employees.

Monthly rated employees—Basic pay for the last month of the quarter.

Other time-rated employees—26 times the basic wage payable for the first working day of the last month of the quarter and for the weekly rated worker 26 times the daily rate of basic wage for the last complete week of the quarter irrespective of whether or not the employee actually worked on that day or in that week.

Explanation.—A weekly rated worker is a worker whose wage is expressed as a stated amount per week as opposed to a daily rated worker who is paid a stated amount per day, but who receives his earning weekly.

TABLE A

Basic wage per month	Gross amount of Bonus
Rs. as.	Rs. as.
0 4	0 10
0 8	1 4
1 0	2 9
2 0	6 2
3 0	7 11
4 0	10 4
5 0	12 19
20 0	51 2
25 0	63 15
30 0	78 12
40 0	102 5
50 0	127 14
60 0	163 7
70 0	170 0
80 0	204 0
90 0	230 3
100 0	255 12
110 0	281 5
120 0	306 14
130 0	332 7
140 0	358 1
150 0	383 10
160 0	409 3
170 0	434 12
180 0	460 6
190 0	485 14
200 0	511 8
210 0	537 1
220 0	562 10
230 0	588 3
240 0	610 12
250 0	639 6
260 0	664 15
270 0	690 8
280 0	716 1
290 0	741 10
300 0	767 3

TABLE B

Basic wage per day	Gross amount of Bonus
Rs. as.	Rs. as.
0 5	20 12
0 6	24 15
0 7	29 1
0 7½	31 3
0 8	33 4
0 12	40 14
0 13	54 0
0 14	58 3
0 15	62 5
1 0	88 8
1 1	70 10
1 2	74 13
1 3	78 15
1 4	83 2
1 5	87 4
1 6	91 7
1 7	95 9
1 8	99 12
1 9	103 14
1 10	108 1
1 11	112 3
1 12	116 6
1 13	120 8
1 14	124 11
1 15	128 13
2 0	133 0
2 1	137 2
2 2	141 6
2 3	145 7
2 4	149 10
2 5	153 12
2 6	157 15
2 7	162 1
2 8	166 4
2 9	170 6
2 10	174 9
2 11	178 11
2 12	182 14
2 13	187 0
2 14	191 3
2 15	195 5
3 0	199 8

FORM I

(See Paragraph 10)

Name of employer Employer No.
 Address Period or Quarter to 194 ..

Nature of employment	No. of employees who worked in the coalmine in the period or quarter	No. of employees who qualified for bonus for the period or quarter	Amount of bonus payable	No. of employees out of (3) to whom bonuses have actually been paid	Amount of bonus out of (3) to whom bonuses have actually been paid	No. of employees (4) actually paid bonuses have not been paid	Amount of bonus due but not paid
	1	2	3	4	5	6	7
Supervisory & clerical.							
Underground.							
Miners and other underground piece workers.							
Other underground workers.							
Others							
Men							
Women							
Minors							
TOTAL							

FORM 'II
(See Paragraph 10)

Name of employer..... Employer No.
Address..... Period or quarter,
to 194

Serial No.	P. F. Account No.*	Name of employee	Amount of bonus due but not paid	Remarks †
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*The column may be left blank till Account Numbers are allotted.

†If a bonus is paid after the time limit, say since paid.

FORM III

All entries to be made in English.

(See paragraph 11)

Number of Relay

Hours of Relay

Register of persons employed underground during the week commencing and ending 19 .

Name of Mine

Name of Owner

(TIME SHOULD BE RECORDED AGAINST AN ENTRY WHEREVER IT DIFFERS FROM THE HOURS OF RELAY STATED ABOVE)

Sr. No.	Name of person	Nature of work	Relay	Sunday in out	Monday in out	Tuesday in out	Wednesday in out	Thursday in out	Friday in out	Saturday in out	Number of days worked during the week	Hours worked during week	Remarks
1	2	3	4	5 6	7 8	9 10	11 12	13 14	15 16	17 18	19	20	21

Weekly Abstract
Classification

Aggregate number of attendances during the week. Aggregate number of absentees during the week.

Miners and loaders

· others

MANAGER
Date.....

Signature of Register Keeper
Date.....

FORM IV

All entries to be made in English.

(See paragraph 11)

Number of Relay.....

Hours of Relay.....

Register of persons employed in Open Workings during the week commencing.....and ending..... 19

Name of Mine

Name of Owner

(TIME SHOULD BE RECORDED AGAINST AN ENTRY WHEREVER IT DIFFERS FROM THE HOURS OF RELAY STATED ABOVE)

Sr. No.	Name of person	Nature of work	Relay	Sunday in out	Monday in out	Tuesday in out	Wednesday in out	Thursday in out	Friday in out	Saturday in out	Number of days worked during the week	Hours worked during week	Remarks
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

Weekly Abstract

Classification

Miners and loaders.....

Aggregate number of attendances during the week. Aggregate number of absentees during the week.

Others'

Women

MANAGER

Signature of Register Keeper.

Date.....

Date.....

FORM V

(See paragraph 11)

All entries to be made in English.

Number of Relay

Hours of Relay

Register of persons employed on surface during the week commencing and ending 19 .

Name of Mine

Name of Owner

Sr. No.	Name of person	Nature of work	Relay	(TIME SHOULD BE RECORDED AGAINST AN ENTRY WHEREVER IT DIFFERS FROM THE HOURS OF RELAY STATED ABOVE).												Number of days worked during the week	Hours worked during the week	Remarks		
				Sunday in	Sunday out	Monday in	Monday out	Tuesday in	Tuesday out	Wednesday in	Wednesday out	Thursday in	Thursday out	Friday in	Friday out	Saturday in	Saturday out			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

*Classification
Weekly Abstract*

Aggregate number of attendances during the week. Aggregate number of absentees during the week.

Men

Women

MANAGER

Signature of Register Keeper.

Date

Date

S. C. AGGARWAL, Dy Secy.